

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRANCIS X. MORGAN,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-10711-WGY
	)	
C.M.S. SERVICES, et al.,	)	
Defendants.	)	

MEMORANDUM AND ORDER OF DISMISSAL

On April 8, 2004, plaintiff Francis X. Morgan, while a federal detainee at the Essex County Jail, submitted for filing his civil rights complaint concerning his medical treatment. See Docket. Plaintiff's complaint was accompanied by an incomplete fee waiver application. Id.

By Memorandum and Order dated April 26, 2004, the Court (1) denied without prejudice plaintiff's application to proceed in forma pauperis; and (2) granted plaintiff additional time to file a new fee waiver application and demonstrate good cause why this action should not be dismissed. See Docket No. 3.

On April 30, 2004, the Court's Memorandum and Order was returned to the Court as undeliverable. See Docket No. 4. It appears plaintiff has been released from custody and has failed to inform the Court of his new address as required under this Court's local rules. See District of Massachusetts Local Rule 83.5.2(e). Local Rule 83.5.2(e) requires a party appearing pro se to notify the clerk of any change of address

and provides that any party appearing pro se that has not filed an appearance or provided a current address "shall not be entitled to notice."

Under Federal Rule of Civil Procedure 41(b), a court may dismiss a claim "for failure of the plaintiff to prosecute or to comply with these rules or any order of the court." See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). The fact that plaintiff has not kept the Court advised of his current address suggests that he may have lost interest in pursuing the claims asserted in his complaint. The Court is not required to delay disposition in this case until such time as plaintiff decides to comply with the requirement of providing his current address.

Accordingly, this action is subject to dismissal for want of prosecution pursuant to Rule 41(b).

ORDER

Based upon the foregoing, it is hereby ORDERED that this action is dismissed without prejudice for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A copy of this Order will be mailed to plaintiff at the Essex County Jail, P.O. Box 807, Middleton, MA 01949. SO ORDERED.

Dated at Boston, Massachusetts, this 20th day of August, 2004.

/s/ William G. Young  
WILLIAM G. YOUNG  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT